

[Mr. K. Narayanaperumal Nadar.]

may make a report as he likes. If Government upheld that report without consulting the Legislature, much evil may result. I hope the Land Revenue Commissioner will accept my view and I hope the honourable members of the Nationalist party and the Independent party will support my motion. With these few words I oppose the motion.

MR. K. GEORGE : Sir, it is plain that the report will have to be considered by the House because we are going to have special legislation on the subject. Such legislation will be dependent on that report and naturally that report will be placed before the House. Further it is a matter affecting the rights of people and I do not think Government will make this a hole and corner affair. Therefore I can assure the member that the House will have an opportunity of considering the report.

MR. K. NARAYANAPERUMAL NADAR : May I know whether the Hon'ble member speak on behalf of Government or only as the Head of the Department ?

MR. K. GEORGE : I am speaking on behalf of the Government.

PRESIDENT : Every honourable member who speaks on behalf of the Treasury Bench, if he gives an undertaking, it will bind Government.

MR. K. GEORGE : Sir, I can give the assurance that the House will have an opportunity of discussing the report.

The motion was, by leave, withdrawn.

The Demand was then put and carried.

The grant was made.

ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESWARAN PILLAI (*Law Member to Government*): Sir, I beg to move for a supplementary grant of Rs. 61,430 under "Administration of Justice". As may be seen from the printed demand paper, this sum is required for three items. One is the payment of fees to the prosecutor appointed for the conduct of the Alleppey riot cases. Honourable members are aware that there was recently a serious riot in Alleppey and a charge was preferred against a number of persons. It was a complicated case requiring careful handling and careful marshalling of evidence. A special prosecutor was therefore engaged for conducting the case. He was also required to assist in the conduct of the appeal in the High Court. He has to be paid Rs. 5,180 as remuneration.

The second item is for remuneration to Government pleaders. Honourable members are aware of the recent G. O. about the tenure and terms of Sirkar Vakils now designated Government Pleaders. The Government pleaders are proposed under the G. O. to be paid Rs. 500, in some cases Rs. 400 or Rs. 350 in other cases. They will not get any pension. After the passing of the G. O. the incumbents of the places were consulted and some were agreeable to come under the operation of the G. O. while some were not agreeable to it. This sum of Rs. 11,250 is required for payment of the Government Pleaders under the new rules.

MR. E. P. VARGHESE : May I know how many have agreed?

MR. KAYALAM PARAMESWARAN PILLAI : The three Assistant Head Sirkar Vakils and also I think four District Court Sirkar Vakils have agreed.

The third item in the demand is for the continuance of the five temporary Second Judges Courts and five temporary Munsiffs, Courts. These courts were functioning during the last year. As Conciliation Officers were proposed appointed during this year it was hoped that these temporary courts might be abolished when the Conciliation Officers began to function. The Conciliation Officers were appointed but it was noticed that the institution of suits had not gone down. It is therefore felt that the temporary courts ought to be continued throughout this year. A sum of Rs. 45,000 is required for this purpose.

MR. E. P. VARGHESE : Sir, in supporting the motion with certain reservations, I wish to make a few observations especially regarding the remuneration to Government pleaders. Sir, according to the G. O. it has been stated that the Assistant Head Sirkar Vakils who were getting Rs. 250 per mensem are to be paid Rs. 500 and the District Court Sirkar Vakils who have been getting Rs. 150-250 are to get Rs. 400 and Rs. 350. My submission is that the increase of remuneration to the Sirkar Vakils is quite unnecessary. It is possible to get Sirkar Vakils, without the prospect of a pension, to serve on a lower salary for a period of five years. Two or three years ago a District Court Sirkar Vakil was appointed in Nagercoil on a salary of Rs. 200 for five years without any pension. My experience of the practice in the District Courts makes me think that even leaders of the Bar in the District Courts can be had on a remuneration of Rs. 250 per mensem when they have the freedom of private practice. The pay fixed now according to the G. O. is too much. There is no necessity to spend such a big sum for securing efficient Sirkar Vakils for the District Courts. I think it is possible to secure even for the High Court the services of some of the best lawyers on a lower remuneration than this.

I wish also to make one other observation. Whenever Government find it necessary they appoint special pleaders even though they have efficient Sirkar Vakils. I think Government will have to appoint even hereafter special pleaders in spite of this new scheme. Therefore the appointment of Sirkar Vakils on a higher remuneration cannot be approved. With these observations I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI : Sir, I have listened with very great pleasure to the observations of Mr. Varghese. My pleasure would have been much greater if it were possible to attract really eminent people as Sirkar Vakils on the salary suggested by him. The matter was carefully considered by Government in consultation with the Law Officers who are members of the Bar, and the amount proposed by the G. O. was fixed as reasonable.

MR. E. P. VARGHESE : Are not some of the District Court Sirkar Vakils leaders of the Bar there?

MR. KAYALAM PARAMESVARAN PILLAI : Possibly. I do not want to refer to personalities.

Under the new rules the office is not pensionable and it is desired that these men should always feel themselves to be members of the Bar and be always alert and active in the practice of their profession, and therefore they are not given a permanent tenure too. If so, the question is what should be the amount of fees remuneration for attracting capable members of the Bar. Having regard to the professional work obtainable in the District Court, it is necessary to give them amply, if not abundantly; and the amount has been fixed at Rs. 400 and 350 in consultation with the Law Officers of Government. No doubt, if it be possible to attract leaders of the Bar on a lower salary Government would be glad, but I doubt if that is possible.

In regard to the appointment of special pleaders, it is firmly hoped that with the appointment of the new set of Government pleaders special pleaders may not have to be appointed hereafter at any rate in the District Courts. When Government appoint Government pleaders on Rs. 400 per mensem with no permanent tenure, it be their duty to do all this special work. Complaints may be made by an officer, a pensionable officer who is only getting Rs. 250, that he will not be able to do all this work but not from a pleader who is paid Rs. 400 a month. Therefore it is only fair that the Government Vakil should be allowed a higher remuneration—a remuneration somewhat equivalent to that obtained by a decent practice at the bar.

MR. E. P. VARGHESE : Are they not also allowed private practice?

MR. KAYALAM PARAMESVARAN PILLAI : Yes.

MR. E. P. VARGHESE : Then why should they be paid a higher remuneration?

MR. KAYALAM PARAMESVARAN PILLAI : Their practice will suffer when they take up the Government job. And Government want to attract the best men.

MR. T. C. KESAVA PILLAI (*Kalkulam com Vilavankod*) : നാഗര കോവിൽ ഉള്ള ഡിസ്ട്രിക്ട് കോടതിയിലെ സർക്കാർ വക്കീലിന് ൨൦൦ രൂപ മാത്രമേ ശമ്പളമുള്ളൂ എന്നു അറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI : I am not asking for an additional sum for that Sirkar Vakil in my Demand.

MR. T. C. KESAVA PILLAI : മറ്റു ജില്ലാ കോടതികളെ അപേക്ഷിച്ച് നാഗർകോവിലിൽ കൂടുതൽ കേസുകൾ ഉണ്ടെന്ന് മെമ്പർക്കു റിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI : എനിക്കറിയാൻ പാടില്ല.

MR. T. C. KESAVA PILLAI : അവിടെ മൂന്നു കോടതികളുണ്ടെന്നറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI : അറിയാം.

MR. T. C. KESAVA PILLAI : അവിടെ രണ്ടുസർക്കാർ വക്കീലന്മാർ ഉണ്ടെന്നറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI : അറിയാം.

MR. T. C. KESAVA PILLAI : അതിലൊരാളിനു രൂപയായാ ശമ്പളം എന്നുള്ളവിവരം അറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI : അറിയാം.

MR. T. C. KESAVA PILLAI : അയാൾക്കു പെൻഷൻ ഇല്ലെന്നറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI : അതും അറിയാം.

MR. T. C. KESAVA PILLAI : പിന്നെ മറ്റുള്ളവർക്ക് കൂടുതൽ ശമ്പളം കൊടുക്കണമെന്നു തോന്നുവാനുണ്ടായ കാരണമെന്താണ്?

MR. KAYALAM PARAMESVARAN PILLAI : Government do not propose to give any additional remuneration to the Nagercoil Sirkar Vakil as he has already contracted to work for a remuneration. In regard to the others, I have already explained.

The Demand was put and carried.

The Grant was made.

PUBLIC WORKS DEPARTMENT.

MR. G. B. E. TRUSCOTT : Sir, I beg to move for a grant not exceeding Rs. 19,000 for the following items:—

1. Construction of quarters for the Commissioner, Devicolum. Rs. 10,000.
2. Construction of a new building for the Kumarakam Nelpura Cutcherry. Rs. 3,500.
3. Restoration of the Alleppey-Aroor road Rs. 5,500.

With regard to the first item, consequent on the conversion of the Commissioner's bungalow at Devicolum into a Palace, it has become necessary to construct a separate building for the Commissioner. The work which was started in 1112 is in progress. In order to provide quarters for the Commissioner an estimate amounting to Rs. 15,000 was sanctioned this year. As there is no provision in the current year's budget for the work and as the work is urgent I move for a grant of Rs. 10,000 for the purpose.

MR. E. P. VARGHESE : May I know the total cost for that work?